

## SECTION 3 SPECIAL DISTRICTS

### 3.01 **HL - HISTORIC LANDMARK DISTRICT**

### 3.02 **GENERAL PURPOSE AND DESCRIPTION:**

This District is designed to provide for the preservation and protection of those areas, places, buildings, structures, works of art, and other objects having significant historical, archaeological, or cultural interests and values which reflect the heritage of Frisco; portions of certain districts are designated with the letters "HL". Areas designated on the zoning map by an "HL" shall be subject to the following provisions:

### 3.03 **PERMITTED USES:**

Uses permitted shall be those permitted by the base zoning district where the tract of land being designated is located. For example: The uses permitted on a tract zoned OT would be those uses permitted in an Original Town District. Additional uses may be permitted where deemed appropriate by the City Council, upon recommendation by the Planning & Zoning Commissions.

### 3.04 **DESIGNATION CRITERIA:**

In making an "HL" designation, the Planning & Zoning Commission and City Council shall consider one or more of the following criteria:

1. Character, interest or value as a part of the development, heritage or cultural characteristics of the City of Frisco, Counties of Collin and Denton, State of Texas, or United States.
2. Location as the site of a significant historic event.
3. Identification of a person or persons who significantly contributed to the culture and development of the City.
4. Exemplifications of the cultural, economic, social or historical heritage of the City.
5. Portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.
6. Embodiment of distinguishing characteristics of an architectural type of specimen.
7. Identification as the work of an architect or master builder whose individual work has influenced the development of the City.
8. Embodiment of elements of architectural design, detail, materials or craftsmanship.
9. Relationship to other distinctive buildings, sites or areas which are eligible for preservation according to a plan based on historic, cultural or architectural theme.
10. Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood community of the City.
11. Archaeological value in that it has produced or can be expected to produce data affecting

- theories of historic or prehistoric interest.
12. Value as an aspect of community sentiment or public pride.

**3.05 MODIFICATION OF STANDARDS:**

In making the "HL" designation, the Planning and Zoning Commission and City Council may reduce, increase or revise the height, yard, area, coverage, and any other developmental standards, if such action is determined to be necessary for the preservation or protection of the "HL" designation property.

**3.06 DEMOLITION REVIEW:**

PURPOSE:

The demolition review process is established to encourage alternatives to the demolition of properties which have received a historical designation. This review applies only to those properties which have received an "HL" designation by the City Council.

PROCEDURE:

1. No structure, or any portion of a structure, which has received an "HL" designation may be demolished without City Council approval of a Certificate of Appropriateness for demolition upon recommendation from the Planning & Zoning Commission.
2. Any application for demolition will be submitted to the City staff who will then schedule the permit application for the next available Planning & Zoning Commission meeting. City staff will forward with the application a recommendation regarding the condition of the building, the reasonableness of the cost of restoration or repair, the purpose of preserving the designated structure, and any other factors deemed appropriate for consideration.

In instances where the Building Official and/or the Fire Marshall or their representatives determines that the continued existence of a structure poses extreme health or safety dangers to the public, they may institute demolition proceedings without action by the Planning and Zoning Commission and the City Council.

**3.07 ECONOMIC HARDSHIP:**

CRITERIA:

An applicant who's Certificate of Appropriateness for proposed demolition has been denied may apply for relief on the ground of hardship. In order to prove the existence of a hardship, the applicant shall establish, to the satisfaction of the City Council, that:

1. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
2. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and,
3. Efforts to find a purchaser interested in acquiring the property and preserving it have failed; and/or,
4. The structure or property is in such condition as to the irreparably damaged and as such poses a nuisance to the surrounding area and is a "threat" to the health, safety and general welfare of the community.

**PROCEDURE:**

1. In cases where the City Council denies a Certificate of Appropriateness for demolition, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the City council makes a finding that a hardship exists.
2. The City Council may hold a public hearing on the hardship application at which time an opportunity will be provided for proponents and opponents of the application to present their views.
3. The applicant shall consult in good faith with the City Council, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.
4. All decisions of the City Council shall be in writing. A copy shall be sent to the applicant and a copy filed with the City Secretary's office for public inspection. The City Council's decision shall state the reasons for granting or denying the hardship application.

**3.08 ORDINARY MAINTENANCE:**

Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve a change in design or material. In-kind replacement or repair is included in this definition of ordinary maintenance.

**3.09 DEMOLITION BY NEGLECT:**

No owner or person with an interest in real property that has received an "HL" designation shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the City Council and/or the Building Official, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.

Examples of such deterioration include but are not limited to:

1. Deterioration of exterior walls or other vertical support;
2. Deterioration of roofs or other horizontal members;
3. Deterioration of exterior chimneys;
4. Deterioration or crumbling of exterior stucco or mortar;
5. Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors; or
6. Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for public safety.

**3.10 APPLICATION FEES:**

The application fee for the Historic Landmark (HL) designation is established as \$1.00.